

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

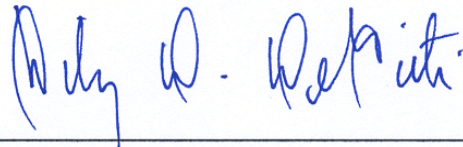
JEFFREY JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-177-D
)	
STATE OF OKLAHOMA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER OF DISMISSAL

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Purcell recommends a dismissal without prejudice due to Plaintiff's failure to pay an initial partial filing fee that was due no later than April 1, 2013. Plaintiff has neither filed a timely objection to the Report nor requested additional time to object. Therefore, Plaintiff has waived further review of the Report.¹

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 11] is adopted in its entirety. The case is DISMISSED WITHOUT PREJUDICE to refiling.

Entered this 26th day of April, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹ On April 15, 2013, a copy of the Report mailed to Plaintiff at his address of record was returned as undeliverable. However, the Court finds this circumstance does not warrant an exception to the court of appeals' "firm waiver rule" because Plaintiff was responsible for giving notice of a change of address. *See Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1267-68 (10th Cir. 1999) (*pro se* plaintiff who failed to provide a change of address or address correction waived right to review by failing to make a timely objection); *see also* W.D. Okla. R. LCvR5.4(a) (requiring written notice of a change of address).